

HOUSE JOURNAL

SEVENTY-FOURTH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

FOURTH DAY — TUESDAY, JANUARY 17, 1995

The house met at 10 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 4).

Present — Mr. Speaker; Alexander; Allen; Alonzo; Averitt; Bailey; Berlanga; Black; Bosse; Brady; Brimer; Carona; Chisum; Clemons; Coleman; Combs; Conley; Cook; Counts; Crabb; Craddick; Cuellar, H.; Cuellar, R.; Culberson; Danburg; Davila; Davis; De La Garza; Delisi; Denny; Driver; Dukes; Duncan; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Gallego; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Hartnett; Hawley; Heflin; Hernandez; Hightower; Hilbert; Hilderbran; Hill; Hirschi; Hochberg; Holzheuser; Horn; Howard; Hudson; Hunter, B.; Hunter, T.; Jackson; Janek; Johnson; Jones, D.; Jones, J.; Junell; Kamel; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Luna; Madden; Marchant; Maxey; McCall; McCoulskey; McDonald; Moffat; Moreno; Mowery; Naishtat; Nixon; Ogden; Oliveira; Park; Pickett; Pitts; Place; Price; Puente; Rabuck; Ramsay; Rangel; Raymond; Reyna; Rhodes; Rodriguez; Romo; Rusling; Sadler; Saunders; Seidlits; Serna; Shields; Siebert; Smithee; Solis; Solomons; Stiles; Swinford; Talton; Telford; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Uher; Van de Putte; Walker; West; Williamson; Wohlgemuth; Wolens; Woolley; Yarbrough; Yost; Zbranek.

Absent, Excused — Alvarado; Corte; Dear; Patterson.

Absent — Bomer; Carter; Harris; Longoria; Munoz; Oakley; Willis; Wilson.

The invocation was offered by Reverend Patrick Zurek, St. John Neuman Catholic Church, Austin, as follows:

Good and gracious God, you have created all things from nothing and you guide and govern everything with order and love. Look upon the members of this house: send your Holy Spirit upon them and fill them with your knowledge and wisdom. May their deliberations and decisions reflect your will. Inspire them to work for the peace, justice, and common good of all people. O God, may your spirit remain with all our elected and appointed officials on this special day. May God bless Texas and all Texans.

LEAVES OF ABSENCE GRANTED

The following member was granted leave of absence for today because of important business in the district:

Corte on motion of Siebert.

The following member was granted leave of absence for today because of illness:

Alvarado on motion of H. Cuellar.

The following member was granted leave of absence for today and the remainder of the week because of illness in the family:

Patterson on motion of Black.

(Carter and Willis now present)

CAPITOL PHYSICIAN

Speaker Laney presented Dr. Charles Mason Von Henner of San Marcos as the "Doctor for the Day."

The house welcomed Dr. Von Henner and thanked him for his participation in the Physician of the Day Program sponsored by the Texas Academy of Family Physicians.

(Munoz, Harris, Longoria, Oakley, and Wilson now present)

HR 43 - ADOPTED

The speaker laid before the house the following resolution:

By Dukes and Maxey,

HR 43, Congratulating Keith Rutledge on receiving a Christa McAuliffe fellowship.

The resolution was adopted without objection.

SIGNED BY THE SPEAKER

The speaker signed in the presence of the house, after giving due notice thereof, the following enrolled resolutions:

SCR 8, SCR 9, SCR 10, SCR 11, SCR 12, SCR 14

PROVIDING FOR ADJOURNMENT

Representative Uher moved that, at the conclusion of the joint session for the inauguration of the governor and lieutenant governor, the house adjourn until 10 a.m. tomorrow.

The motion prevailed without objection.

INAUGURATION OF THE GOVERNOR AND LIEUTENANT GOVERNOR

(The House of Representatives and the Senate in Joint Session)

At 12 noon today, the members of the house convened at the south entrance of the Capitol and joined the senate in a joint session for the purpose of inaugurating the Governor-elect, the Honorable George W. Bush, and the Lieutenant Governor-elect, the Honorable Bob Bullock, arrangements having been made at the south entrance of the Capitol for holding of the inaugural ceremonies.

The Color Guard placed the colors on the platform.

The Ross Volunteers of Texas A&M University formed the Honor Guard.

A nineteen-gun salute was fired.

Governor-elect and Mrs. Bush and Lieutenant Governor-elect and Mrs. Bullock and their party were escorted to seats on the platform.

The University of Texas Longhorn Band played the national anthem.

Upon conclusion of the national anthem, there was an F-16 flyover.

President Pro Tempore Gonzalo Barrientos called the senate to order and announced that a quorum of the senate was present.

Speaker of the House James E. "Pete" Laney called the house of representatives to order and announced that a quorum of the house of representatives was present.

Speaker Laney stated that the house and the senate were in joint session for the purpose of inaugurating the governor and the lieutenant governor.

Speaker Laney presented Dr. Billy Graham who offered the invocation.

Speaker Laney stated that the oath of office would be administered to the Lieutenant Governor-elect, the Honorable Bob Bullock, by Chief Justice Thomas Phillips of the Supreme Court of Texas.

The Honorable Bob Bullock then took the constitutional oath of office as Lieutenant Governor of the State of Texas.

Speaker Laney presented the Honorable Gonzalo Barrientos, Senator from Travis County and President Pro Tempore of the Senate, who introduced the Lieutenant Governor of Texas, the Honorable Bob Bullock, to the joint session and the assemblage.

Lieutenant Governor Bullock addressed the joint session and assemblage, speaking as follows:

For the second time in four years, my fellow Texans have given me the high honor of serving my state as lieutenant governor. My wife Jan thanks you, my family thanks you, and I thank you for giving us your trust.

The honor you hand us carries a corresponding responsibility. I accept that responsibility with great humility and I ask for your blessings and your prayers in the times ahead.

This inaugural ceremony is a good time for all of us to stop and give thanks that we live and work in Texas. And it is also proper and timely to reflect on the present as well as the future.

Our Texas has an expanding and vibrant economy, vast industries of manufacturing, electronics, petrochemicals, and agriculture—an abundance of natural resources and the nation's finest transportation network.

Above all, as the nation's second largest state, we have 18 million Texans who never lost faith when we fell on hard times.

Today, Texas is majestic, beautiful and blessed. Yet as Governor Bush and I take these oaths, we must all look to the future, and what remains to be done.

As Texans, we have a vision of what our state should be, and we dream about a better life for all. We are compassionate and caring. Our vision is still clear and our hearts are still in the right place. Yet some major functions of government do not work as they should.

All of us know the problems. Schools that fall short in education, adult and

juvenile crime in our communities, an unacceptable welfare system, out-dated civil justice laws, and a state government that all too often is governed on a crisis-to-crisis basis.

Reforming and perfecting major functions of government should be our top priority. And these goals can be accomplished by a leadership and a legislature that work without personal or political rhetoric—and that work in a bipartisan effort—with no agenda but a Texas agenda of what's best for Texas.

For my part I pledge to work just that way, and Governor Bush, I extend my hand of friendship and pledge you my cooperation as we work together to rebuild and renew this state we all love.

The real question is how? How do we seize the next opportunity to make Texas better?

We started with the Texas Performance Review. We shook up the bureaucracy and performance now drives the state budget—not the status quo.

We are cutting costs, and holding government accountable, and we will not stop. We balanced a budget with no new taxes and we will work to do it again.

We are meeting our current problems with straight talk and direct action and we will continue to do so.

In my first four years in this office, we put out brush fires that had lit the halls of state government for a generation.

We rewrote the Texas Penal Code, and built badly needed prisons. We increased spending on public schools by billions of dollars, and in return, we demanded that schools be held accountable to parents and communities. Court challenges to our mental health and mental retardation services and our criminal justice system came to an end.

Now, for the first time in a generation, we have the chance to save a generation of young Texans, and a generation after that—if we broaden our vision and meet the challenges facing Texas as we get ready for the next century.

Recently, a streetwise police officer said that the problems of juvenile crime were so great that he had all but given up on the current generation to concentrate on the next one.

I will not give up on a generation of young Texans, and neither should you.

In the last four years, we have created a framework for a strategic plan for Texas. The time is at hand for all Texans to become part of that plan of setting goals and making decisions for Texas.

With faith and confidence in our future, and ourselves, we must make sure that these guidelines for our future are not simply words on paper, but that our words are backed by action.

Texans know the difference between band-aids and basics. They know that the value of our success must be measured in human potential and opportunity—just as surely as it must be measured in dollars and cents.

Texans will judge our work at the end of this session, and they will judge our work at the end of the terms we begin today.

But history will be the final judge of our work in the next generation. It must show that we were willing to do the right thing for Texas.

Thank you...and God bless Texas!

At the conclusion of the lieutenant governor's address, Speaker Laney stated

that the oath of office would be administered to the Honorable George W. Bush, Governor-elect of the State of Texas, by Chief Justice Phillips.

The Honorable George W. Bush took the constitutional oath of office as Governor of the State of Texas.

Speaker Laney introduced the Governor of Texas, the Honorable George W. Bush, to the joint session and the assemblage.

Governor Bush addressed the joint session and assemblage, speaking as follows:

Fellow Texans, Governor Bullock, Speaker Laney, my beloved family, and many friends. Thank you all for coming.

In this wonderful crowd, there are many special guests. I would like to especially recognize five: they are the governors of the Mexican states closest to Texas. Will you please help me welcome them? Their presence is a clear sign of the importance of the relationship between Texas and Mexico. Friends bring out the best in each other. May our friendship bring much good to both our countries.

I stand where others have stood before, in front of this magnificent Capitol. Moments ago, my hand was on Sam Houston's own Bible, simple and worn, that has consecrated the oath-taking of many other Texas governors.

Once again, all Texas witnesses the special moment when the people transfer the solemn responsibilities of the office of governor from one person to another.

My predecessor served our state well. The example she set gives heart to those who battle adversity and hope to those who wonder if opportunity is limited. Today, as Governor Richards leaves office, Texas owes her a debt of gratitude.

After the storm of the campaign, the transfer of authority from one governor to another happens in relative calm; so much so, that we run the risk of taking this special moment for granted. We must not. Our republican form of government only endures because Texans will its continued existence.

Though other Texas governors lived in much different times, faced different challenges, and spoke in their own way upon this platform on their Inaugural days, certain things are unchanged.

I share the sense of dedication that other new governors must have felt. Like them, I understand that I am responsible to all the people of Texas.

I share the excitement of those who have come to this job before me, their sense of purpose, and their eagerness to get on with the task ahead.

I share my predecessors' feelings of humility. The duties that I assume can best be met with the guidance of One greater than ourselves. I ask for God's help.

I share my predecessors' knowledge that progress is only possible with cooperation with the lieutenant governor, the speaker, and the legislative bodies they represent. I am eager to work with you, Governor Bullock and Speaker Laney. Our task is to serve the great people of Texas—to serve them well, and constantly, and unstintingly. Together, we will do that.

I share the energy of one newly scrutinized by Texas. During the campaign, I sought to let people know what was in my heart by speaking plainly and simply about my vision for our state's future. It was that philosophy and vision

which were endorsed in November.

After traveling our state seeking the vote, I have seen what those who held this office before me knew. Texas is a mighty land, full of loving and caring people. Texans dream big dreams and achieve those dreams when freed to do so.

As governor, I will call upon the best within every Texan as we confront our challenges, great tasks, and important missions.

Among the most important of these is restoring government to its proper role. A few moments ago, when I took the oath of office, I pledged to defend two Constitutions, those of the United States and of Texas. You expect me to honor that oath and I will. You expect me to heed the principles of those documents and I will.

As your governor, I will start by defending our forefathers' intelligence in defining separate roles for our federal and state governments. That wisdom was expressed in the Bill of Rights' 10th Amendment, which gives to the states all powers not specifically granted to the federal government. The spirit of that Amendment has been forgotten in recent decades. I pledge to you, it will be forgotten no more.

As governor, I will use every resource at my disposal to make the federal government in Washington heed this simple truth: Texans can run Texas.

As we ask Washington to return to Texas the power to innovate, to set our own course, to direct our own lives, we must also be consistent at home. If we trust Texans to make the best decisions for Texas—and we do—we must also trust Texans to make the best decisions for their local schools and local communities. My guiding principle will be government if necessary, but not necessarily government.

By trusting Texans, the state is more likely to focus on its principal responsibilities: good and safe streets, excellent schools, help for those who cannot help themselves, and respect for private property.

By trusting Texans, we free them to succeed. I recognize that by doing so, we run the risk that sometimes, some of them will fail. But mistakes made closest to the people are those most easily corrected.

I also recognize freedom without responsibility is simply license. For the last thirty years, our culture has steadily replaced personal responsibility with collective guilt. This must end. The new freedom Texas seeks must be matched with renewed personal responsibility. The very future of our society depends on it.

Responsibility starts at home. It starts with responsible families. I wish I knew the law that would cause people to love each other. I do not. But I do know our laws must be written to strengthen families, not diminish them. Every piece of legislation that crosses my desk will be judged by whether it keeps families together, safe, and strong.

If we are to save a generation of young people, our juvenile and criminal laws must hold people responsible for what they do. Discipline and love go hand in hand. If we want young Texans to learn to make correct choices, the consequences of bad behavior must be certain and clear.

If we are to end dependency on government, we must change the welfare system. Often, the present system diminishes personal responsibility and rewards illegitimacy. For too many of the able-bodied, it says you cannot succeed. This is not the Texas way.

If we are to prepare our children for their exciting future, our education

laws must place the power over our schools in the hands of our local communities and citizens. We must empower teachers, administrators, school boards, and parents to design the schools that best fit their community's needs. Texas must set high standards for our schools, free local districts to innovate, and hold educators responsible for results.

Texans understand governors and government do not create prosperity. Producers, inventors, and entrepreneurs do. What government does is create an environment in which people are willing to take economic risks that create jobs. There are many ways for a business to fail. We must not allow one of them to be a frivolous lawsuit. So that every small business person in Texas has a better chance to succeed, Texas must end the junk lawsuits that clog our courts and threaten our producers. Doing so will expand our job base so anyone who wants a job can find one.

Texas is ready for government that works. Texans know the more government tries to do, the less it accomplishes. Texans want government to concentrate on a few critical areas and do them well. Most of all, Texans desire for ourselves and coming generations the liberty to dare, to risk, and to succeed.

This is our mission. It is clear and bold. We must make Texas a beacon state. It is within the power of every Texan, working together, to mold a bright future. I ask for your help, your commitment, and your prayers for the work ahead.

I feel the wind at our backs. My enthusiasm for our mission is exceeded only by my confidence that we can succeed. And when we do, those who feel left behind will have new hope, those who have grown cynical will begin to care, and our children will grow up in a more prosperous and more peaceful state.

The history of our special land tells us this: that what Texans can dream, Texans can do. To be your governor is an unimaginable honor. Thank you for your confidence in me and God bless Texas.

At the conclusion of the governor's address, Speaker Laney presented Father Dave Penticuff, retired Episcopal priest, who pronounced the benediction.

Speaker Laney presented The University of Texas Longhorn Band, which played "Texas Our Texas."

Speaker Laney extended an invitation, on behalf of Governor Bush and Lieutenant Governor Bullock, to all guests to view the parade this afternoon.

SENATE RECESSES

President Pro Tempore Barrientos stated that the purpose for which this joint session was convened having been completed, the senate would, in accordance with a previous motion, stand recessed until 2 p.m.

ADJOURNMENT

Speaker Laney stated that the purpose for which the joint session was convened had been completed. In accordance with a previous motion, the house, at 12:41 p.m., adjourned until 10 a.m. tomorrow.

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